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February 21, 2018

Via FOIA Online

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: FOIA Request for Records Related to EPA Accounting for Non-reactive or Non-bioavailable Nitrogen in NPDES Permitting

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2.

Background

Wastewater dischargers under NPDES permits may be subject to total nitrogen (TN) permit limits. Typically, it is assumed that all or the majority of nitrogen in the effluent can contribute to or cause adverse ecological impacts, commonly via the overstimulation of algal growth. This assumes that all discharged nitrogen is bioreactive or bioavailable to algae either immediately or within a relevant timeframe after a reasonable opportunity for degradation/conversion into a more bioavailable form. However, some nitrogen compounds, particularly in some industrial wastewaters, are not readily bioavailable on the timescale of weeks/months/years and therefore do not contribute to algal growth or other adverse ecological effects of nitrogen in specific systems.

Request

This request seeks:

1. Any EPA documents discussing how to address nonreactive or non-bioavailable nitrogen in NPDES permitting when nutrient impairment is the concern with the pollutant.

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Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$100.00. Please duplicate the records that are responsive to this request and send it to the undersigned at the above address. If the requested record is withheld based upon any asserted privilege, please identify the basis for the non-disclosure.

If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that only the necessary document is duplicated.

Respectfully,

//s// Ben Kirby
Benjamin M. Kirby